

EXHIBIT C

FILED
 EFILED IN OFFICE
 CLERK OF STATE COURT
 COBB COUNTY, GEORGIA
23-A-1023

MAR 16, 2023 01:15 AM

Robin C. Bishop
 Robin C. Bishop, Clerk of State Court
 Cobb County, Georgia

**IN THE STATE COURT OF COBB COUNTY
 STATE OF GEORGIA**

IN RE: ESTATE OF)	
LEE HENRY GRINSTON JR.,)	
)	CIVIL ACTION FILE
PLAINTIFF,)	
)	NO. _____
v.)	
)	<u>JURY TRIAL DEMANDED</u>
THE KROGER CO.,)	
)	
DEFENDANT.)	

BODILY INJURY COMPLAINT

COMES NOW In Re: Estate of Lee Henry Grinston Jr. Plaintiff, and makes and files this complaint against defendant The Kroger Co. ("Kroger") as follows:

PARTIES AND JURISDICTION

1.

Plaintiff, In Re: Estate of Lee Henry Grinston Jr., is an estate established under the laws of Georgia with its administrator being JaJwanda S Jones who resides at 1955 Ladawn Lane Nw, Apartment J4 Atlanta, Ga 30318 and is subject to the jurisdiction of this court.

2.

Defendant is a Foreign Profit Corporation existing under the laws of Georgia with its principal place of business in Ohio and may be served through its registered agent CSC of Cobb County, Inc. at 192 Anderson Street SE, Suite 125, Marietta, GA 30060, and is subject to the jurisdiction of this court.

3.

Jurisdiction and venue are proper in this court.

BACKGROUND

4.

On May 17, 2021, Plaintiff was an invitee at the Kroger located at 4715 S Atlanta Rd. SE, Smyrna, GA 30080.

5.

Plaintiff was reaching for a case of Sprite off the bottom shelf when the whole shelf fell and landed on his forearm. Employees told Plaintiff to hold the shelf with his other hand while they went to get help, but they never returned.

6.

There were no warnings or signs of damage to the shelf prior to the collapse.

7.

Defendant had exclusive ownership, possession and control over Kroger located at 4715 S Atlanta Rd. SE, Smyrna, GA 30080 at all times relevant to this litigation.

8.

As a result of Plaintiff's incident, he suffered injuries to his left arm and wrist.

COUNT 1

PREMISES LIABILITY

9.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 8 above as if fully restated.

10.

Plaintiff was an invitee on the premises at the time of the incident.

11.

Defendant owed a nondelegable duty of reasonable care in keeping the premises safe for invitees such as plaintiff.

12.

Defendant was negligent in failing to properly inspect the area where the incident occurred, and in failing to keep the premises safe for invitee.

13.

Defendant's negligence was the proximate cause of plaintiff's injuries.

COUNT 2

VICARIOUS LIABILITY

14.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 13 above as if fully restated.

15.

At all times relevant to this action, the individuals responsible for inspecting, cleaning and maintaining the area where plaintiff's incident occurred, were employed by defendant and were acting within the scope of their employment.

16.

Defendant is responsible for the conduct of these individuals under the doctrine of respondeat superior, agency or apparent agency.

COUNT 3

NEGLIGENT TRAINING & SUPERVISION

17.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 16 above as if fully restated.

18.

Defendant was negligent in failing to adopt appropriate policies and procedures to make sure that appropriate inspections, cleaning and maintenance

were performed on the premises and in failing to train its employees concerning safety procedures for inspecting, cleaning and maintaining the premises.

19.

Defendant was negligent in training and supervising its staff.

20.

As a result of defendant's negligence in training and supervising its employees, plaintiff was injured on the premises.

21.

As a result of Defendant's negligence, Plaintiff has incurred special damages in the amount of \$17,406.89.

WHEREFORE, Plaintiff prays that he have a trial on all issues and judgment against defendant as follows:

(a) That plaintiff recover the full value of past and future medical expenses and past and future lost wages in an amount to be proven at trial;

(b) That plaintiff recover for mental and physical pain and suffering and emotional distress in an amount to be determined by the enlightened conscience of the jury;

(c) That plaintiff recover such other and further relief as is just and proper;

(d) That all issues be tried before a jury.

[Signature Page to Follow]

This 16th day of March, 2023.

Parsons Law, LLC
208 Pirkle Ferry Road
Suite B
Cumming, GA 30040
678-314-1553
smoore@parsons-lawfirm.com
rparsons@parsons-lawfirm.com

/s/ Shaun Moore
Shaun Moore
GA Bar No.: 780042
Richard Parsons
GA Bar No.: 882961
ATTORNEYS FOR PLAINTIFF

General Civil and Domestic Relations Case Filing Information Form

☐ Superior or ☒ State Court of Cobb County

For Clerk Use Only

MAR 16, 2023 01:15 AM

Date Filed 03-16-2023Case Number 23-A-1023

MM-DD-YYYY

*Robin C. Bishop*Robin C. Bishop, Clerk of State Court
Cobb County, Georgia

Plaintiff(s)

In Re: Estate of Lee Henry Grinston Jr.

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Defendant(s)

The Kroger Co

Last First Middle I. Suffix Prefix

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Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Plaintiff's Attorney Parsons, RichardBar Number 882961Self-Represented ☐

Check one case type and, if applicable, one sub-type in one box.

General Civil Cases

- ☐ Automobile Tort
- ☐ Civil Appeal
- ☐ Contract
- ☐ Contempt/Modification/Other Post-Judgment
- ☐ Garnishment
- ☐ General Tort
- ☐ Habeas Corpus
- ☐ Injunction/Mandamus/Other Writ
- ☐ Landlord/Tenant
- ☐ Medical Malpractice Tort
- ☐ Product Liability Tort
- ☐ Real Property
- ☐ Restraining Petition
- ☒ Other General Civil

Domestic Relations Cases

- ☐ Adoption
- ☐ Contempt
- ☐ Non-payment of child support, medical support, or alimony
- ☐ Dissolution/Divorce/Separate Maintenance/Alimony
- ☐ Family Violence Petition
- ☐ Modification
- ☐ Custody/Parenting Time/Visitation
- ☐ Paternity/Legitimation
- ☐ Support – IV-D
- ☐ Support – Private (non-IV-D)
- ☐ Other Domestic Relations

- ☐ Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number

Case Number

- ☒ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.

- ☐ Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

**IN THE STATE COURT OF COBB COUNTY
STATE OF GEORGIA**

IN RE: ESTATE OF LEE HENRY GRINSTON JR.,)	
)	
PLAINTIFF,)	CIVIL ACTION FILE
)	
v.)	NO. _____
)	
THE KROGER CO.,)	<u>JURY TRIAL DEMANDED</u>
)	
DEFENDANT.)	

Rule 5.2 Certificate of Service

The undersigned hereby certifies a true and correct copy of the within and foregoing **"PLAINTIFF'S FIRST CONTINUING INTERROGATORIES TO DEFENDANT THE KROGER CO."** has been served on Defendant The Kroger Co. by personal service via USPS addressed as follows:

The Kroger Co.
192 Anderson Street SE
Suite 125
Marietta, GA 30060

This 16th day of March, 2023.

Parsons Law, LLC
208 Pirkle Ferry Road
Suite B
Cumming, GA 30040
678-314-1553
smoore@parsons-lawfirm.com
rparsons@parsons-lawfirm.com

/s/ Shaun Moore
Shaun Moore
GA Bar No.: 780042
Richard Parsons
GA Bar No.: 882961
ATTORNEYS FOR PLAINTIFF

STATE COURT OF COBB COUNTY
STATE OF GEORGIA

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Robin C. Bishop
Robin C. Bishop, Clerk of State Court
Cobb County, Georgia

CIVIL ACTION NUMBER 23-A-1023

\$198.00 COST PAID

In Re: Estate of Lee Henry Grinston Jr.

PLAINTIFF

VS.

The Kroger Co

DEFENDANT

SUMMONS

TO: THE KROGER CO

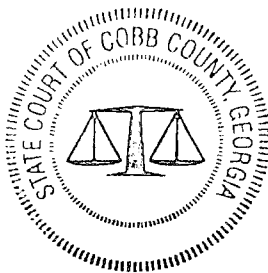
You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**Richard Parsons
Parsons Law LLC, Richard Parsons
208 Pirkle Ferry Road Suite B
Suite B
Cumming, Georgia 30040**

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 17th day of March, 2023.

Clerk of State Court



Robin C. Bishop

Robin C. Bishop, Clerk of State Court
Cobb County, Georgia

MAY 01, 2023 11:16 AM


Robin C. Bishop, Clerk of State Court
Cobb County, Georgia**WAIVER OF SERVICE OF SUMMONS**

To: Shaun Moore

I acknowledge receipt of your request that I waive service of a summons in the action of In Re: Estate of Lee Henry Ginston Jr. v. The Kroger Co, which is case number 23-A-1023 in the State Court of the State of Georgia in and for the County of Cobb. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me. I understand that I am entitled to consult with my own attorney regarding the consequences of my signing this waiver.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by the Georgia Rules of Civil Procedure.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if an answer is not served upon you within 60 days after the date this waiver was sent.

This 21st day of April, 2023.

Jeremy A. Freiman, Esq.
as Counsel for The Kroger Co.

The Kroger Co
Attn: CSC of Cobb County, Inc.
192 Anderson Street SE, Suite 125,
Marietta, GA 30060

